IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4051 OF 2007

Shivkumar Shankarrao Thakur & Ors. .. Petitioners.
Versus
M/s.Thakur Savadekar & Co. Ltd. & Ors. .. Respondents.

Mr.H.W.Kane i/b.Mr.S.M.Gorwadkar for petitioners.
Ms.Lalita Panchakshari for respondent Nos.1 and 7.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 2nd AUGUST, 2007.

P.C.:

1. Mr.Kane for the petitioners submits that if appropriate clarification is issued in the facts peculiar to this case, he has instructions not to press this petition.

2. On the application of Mr.Kane, learned Advocate, appearing for the petitioners, writ petition is allowed to be withdrawn with liberty to the petitioners to defend the suit also in their capacity as Joint Receivers of the 1st defendant Firm. This protection and clarification is issued because the Court below has rejected the application of the petitioners for joining them as parties to the suit on the basis that they have been appointed joint receivers of the firm’s properties and assets. The Court below has itself clarified this aspect and, therefore, the petitioners are at liberty to defend the

suit in their personal capacity as well as in their capacity as joint receivers. The petitioners would be at liberty to defend the suit as joint receivers of the firm's assets and properties and file their appearances so also written statements on that basis provided the needful is done within a period of two weeks from today. The Trial Court to proceed with the suit on day to day basis and dispose of the same within a period of three months from the date of receipt of this Court's order.

3. Needless to state, if petitioner No.1 as one of the joint receivers, wishes to take advantage of this clarification, he is free to do so, even if the other joint receiver does not join him.

4. This order is passed without prejudice to the rights and contentions of both sides in the pending suit. The suit to be decided expeditiously on merits and in accordance with law.

5. Parties to act upon an authenticated copy of this order.

(S.C.Dharmadhikari, J.)